

2

Planning Commission Date: March 28, 2007

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

---

Category: Public Hearing

Report Prepared by: Kristine Lowe

Public Hearing: Yes:   X   No:       

Notices Mailed On: 3/16/07      Published On: 3/15/07      Posted On: 3/16/07

---

**TITLE:** **MINOR TENTATIVE MAP NO. MI2007-2:**

**Proposal:** A request for a three-lot subdivision for a 101-unit affordable apartment project in three, four-story buildings located on 2.69 acres

**Permits:** MI2007-2

**Location:** 1666 S. Main St.

**APN:** 086-22-023

**RECOMMENDATION:** **Approve with Conditions.**

**Applicant(s):** Global Premier Development, Inc., 5 Park Plaza, Suite 980, Irvine, CA 92614 – Project Manager: Charles Hutchison

**Property Owner(s):** Martin & Mary Baccaglio, 15030 Montebello Rd., Cupertino, CA 95014

**Previous Action(s):** EIR, GPA, Rezoning for Midtown Specific Plan. 'S' Zone for one of the existing buildings. Project for 101 affordable apartments (under permits SZ2007-1 and UP2006-2) approved by the Planning Commission March 14, 2007.

**General Plan Designation:** Multi-Family Very High Density. Located in Midtown Specific Plan area.

**Present Zoning:** Multi-Family Very High Density with 'S' Zone combining district (R4-S) Existing Land Use: Two multi-tenant industrial buildings and storage areas

**Agenda Sent To:** Applicant and Owners (as noted above)  
- Donna Vingo, Warmington Homes, 2010 Crow Canyon Place, Suite 450, San Ramon, CA 94583  
- Robert Dulalia, Saf-Keep Storage, 1680 S. Main St., Milpitas, CA 95035

**Attachments:** Plans

PJ No. 3199

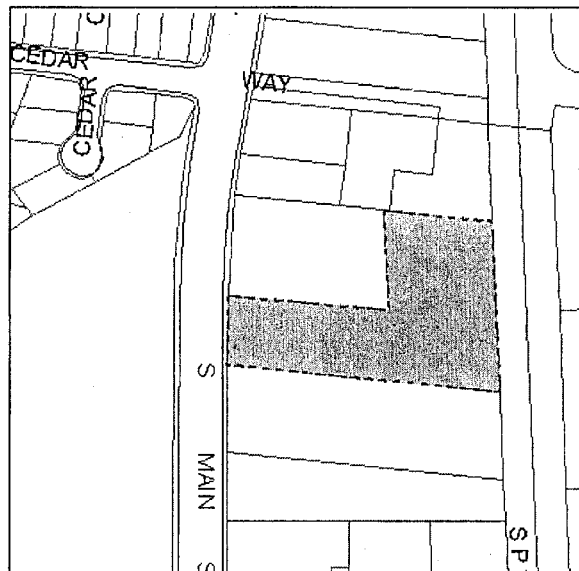
---

## BACKGROUND

On March 14, 2007, the Planning Commission approved a request for a 101-unit affordable apartment project in three, four-story buildings located on 2.69 acres. The approval included Conditional Use Permit No. UP2006-2 for a reduction in the number of required parking spaces for residents and guests, crediting on-street parking spaces as guest parking, modification to required building setbacks from public streets and reduction in private open space, and Site and Architectural Review Permit No. SZ2007-1. To complete the redevelopment process of this project, the applicant is applying for a tentative map to subdivide the existing 2.69-acre parcel into three parcels.

### Site Description / Surrounding Uses

- Property zoned R4-S
- North: Industrial buildings with “R4-TOD-S” zoning.
- East: Union Pacific Railroad line and future Penitencia Creek trail.
- South: Saf-Keep Mini-Storage, 1680 S. Main St., zoned “R4-S”.
- West: S. Main St., Multi-tenant industrial (Southbay Tech Center), pending application to develop as residential.



## THE APPLICATION

This Minor Tentative Parcel Map application is submitted pursuant to Section XI-I-6.01 of the Subdivision Ordinance, to subdivide an existing parcel into three separate parcels.

### Project Description

The applicant is requesting approval of a three-lot subdivision for a 101-unit affordable apartment project in three, four-story buildings located on 2.69 acres. The project consists of three parcels: Parcel 1 is a 20,368 square foot parcel, Parcel 2 is a 19,645 square foot parcel and Parcel 3 is a 32,081 square foot parcel. The parcels are accessible

via the adjacent public streets constructed for this development (proposed street names are Costa, Mihalakis and Diaz Streets).

### **Conformance with the General Plan**

The proposed project is consistent with the following Guiding Policies and Implementing Principles of the General Plan:

- ❑ 2.a-G-2 which encourages a relatively compact form, through the use of compact development and higher densities;
- ❑ 2.a-G-3 which provides for a variety of housing types and densities to meet the demands of families;
- ❑ 2.b-I-3 which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations;
- ❑ 2.a-G-6 which implements the Midtown Specific plan goals, policies, and development standards and creates high density housing; and
- ❑ 2.a-I-2, which promotes in-fill development in the incorporated city limits.

The proposed density of the project is consistent with the Multifamily Very High Density General Plan designation of 31-40 DU/acre. In addition, the overall development will be an in-fill project replacing existing industrial type uses.

### **Midtown Specific Plan**

The project is consistent with the intent and specific requirements of the Midtown Specific Plan. With the exception of building setbacks and parking as indicated in Table 3, the project complies with the development standards of the "R4" zoning district. The project conforms to the Midtown Specific Plan's Land Use Goals 2 and 3, and Residential Policies 3.1 and 3.4 through 3.6 in that it provides a significant amount of new high-density housing that addresses needs for multifamily housing and affordability. In addition, the proposed project is consistent with Park and Open Space Policy 3.24, Circulation Goals 1 and 2, Circulation Policies 4.5 and 4.9, Parking Policy 4.19 and Community Design Goal 4 in that the in-lieu park fee will be used to improve public parks and the new streets and streetscape improves the pedestrian orientation and character of the streets.

The Midtown Plan requires a 20% minimum affordability of units for all new residential projects. The project provides 100% affordability. Even after transferring credit for affordable units to the neighboring Terra Serena project, the project will still far exceed the 20% requirement.<sup>1</sup>

---

<sup>1</sup> Milpitas Midtown Plan, Section 8.10, Policies 3.5 and 3.6.

### Conformance with the Zoning Ordinance

Pursuant to Section XI-10-22.01 of the Zoning Ordinance, the proposed Minor Tentative Parcel Map will create three legal lots that will conform with the purpose and intent of the Multi-Family Very High Density with 'S' Zone combining district (R4-S) District. The table shown below indicates the deviations to the land use and development standards of the Multi-Family Very High Density "R4" District approved by the Planning Commission on March 14, 2007 as part of Permit Nos. SZ2007-1 and UP2006-22. Additionally, the following conditions were required by the Planning Commission as part of the approved project.

- The developer and property management shall designate seventeen (17) visitor parking spaces within the underground garage area. The seventeen (17) parking spaces shall be striped and painted "Visitors Parking Only".
- The developer and property management shall provide the City of Milpitas Planning Division with annual reports for the next three years starting from date of issuance of occupancy, a Parking Assignment Report, identifying the resident tenants and visitors designated parking spaces within the underground garage area.
- Upon review and receipt of the Parking Assignment Report, City of Milpitas Planning Division shall conduct an on-site inspection to determine the accuracy of the assigned and designated resident tenants and visitors parking spaces within the underground garage area and on-site visitors parking area.

There are no changes to these development standards as part of the Minor Tentative Map approval.

Table 3

Standard	Required	Proposed	Complies?
Density	31-40 dwelling units per acre	37.5	Yes
Building Height	4 stories 60 ft.	4 stories 47 ft.	Yes
Parking	202 Resident 33 Guest	182 Resident 17 Guest	No Use Permit requested for reduced parking & credit for on-street parking
Front & Street Side Setbacks	8 to 15 ft. from back of sidewalk	3 to 25 from back of sidewalk	No Use Permit requested for reduced setbacks

Interior & Rear Setbacks	$\geq 10$ ft.	$\geq 7$ ft.	No Use Permit requested for reduced setbacks
<b>Park &amp; Open Space</b>	<ul style="list-style-type: none"> <li>▪ Total parkland 0.89<sup>2</sup></li> <li>▪ Usable open space = 0.67 acres<sup>3</sup></li> <li>▪ Private open space/unit<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ TBD with tentative map</li> <li>▪ 0.86 acres</li> <li>▪ Decks: 103 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No – In Lieu Fee will be required</li> <li>▪ Yes</li> <li>▪ Yes</li> </ul>

### Conformance with the State Subdivision Map Act & Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinances (Article 5, Section 66463). The City's Subdivision Ordinance requires the design and improvements be consistent with the General Plan. As previously mentioned, the proposed Minor Tentative Parcel Map is in conformance with the General Plan.

### Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 15, Section 15315 "Minor Land Divisions" of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects involving the division of property in urbanized areas into four or fewer parcels when the division is in conformance with the General Plan and local zoning. As discussed above, the proposed project is located in a developed, urbanized area and conforms to the General Plan and Zoning Ordinance.

### RECOMMENDATION

Close the public hearing and approve the Minor Tentative Parcel Map No. MI2007-2 based on the findings and conditions listed below.

### FINDINGS

1. The proposed Minor Tentative Parcel Map is consistent with applicable general and specific plans as specified in Section 65451;
2. That the design or improvement of the proposed subdivision is consistent with the General Plan;

<sup>2</sup> MMC XI-1-9

<sup>3</sup> MMC XI-10-8.07-2

<sup>4</sup> MMC XI-10-8.07-3

3. That the design or improvement of the proposed subdivision is consistent with Midtown Specific Plan;
4. That the design or improvement of the proposed subdivision is consistent with Zoning Ordinance;
5. That the site is physically suitable for the type of development because it is a level site;
6. That the site is physically suitable for the proposed density of development because it is a level site;
7. That the design of the subdivision or the proposed improvements will not be likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat because the three lots already accommodate the three buildings and common areas;
8. That the design of the subdivision or type of improvements is not likely to cause serious public health problems because the project is categorically exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines;
9. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because the roadways, and easements were reviewed and approved by the City of Milpitas Engineering Department.

#### **SPECIAL CONDITIONS**

1. This approval is for a Minor Tentative Parcel Map No. MI2006-4 to subdivide an existing 2.69 acre lot into three separate parcels located on 1666 S. Main Street (APN: 086-22-023) as depicted on the Tentative Parcel Map dated March 21, 2007, and as amended by the conditions of approval and for the approval of 101 affordable apartments in the three buildings within the property described on the Tentative Map. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. If at the time of application for parcel map there is a project job account past due balance to the City for recovery of review fees, review of parcel map will not be initiated until the balance is paid in full. (P)
4. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land

development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

5. Prior to issuance of any building permits, the developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
6. At the time of grading building permit issuance, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval of the first phase of development. (E)
7. Prior to any Building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along South Main Street, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, bus stops and bus pads, signal installation at South Main Street and Project main entrance, median installation along Main Street, street lights, street furniture installation, fire hydrants, storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The locations of public facilities such as water meters, RP backflow preventers, sewer clean outs, etc. shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the Milpitas Midtown Specific Plan and Main Street Plan Line Study, and all public improvements shall be constructed and accepted by the City prior to building occupancy permit issuance of the first production unit. (E)
8. Prior to any building permit issuance, the developer shall submit a parcel map for review and approval, and record the parcel map prior to construction of building structure above street grade. (E)
9. The parcel map shall designate all common lots and easements as lettered lots or lettered easements. (E)
10. Prior to parcel map recordation, the developer shall submit to the City a digital format of the parcel map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)

11. The developer shall dedicate on the parcel map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
12. Prior to parcel map approval, the developer shall establish a property-owner association. The property-owner association shall be responsible for the maintenance of the landscaping, walls, private streetlights, common area and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval of the City Engineer. (E)
13. Prior parcel map approval, the developer shall either record a reciprocal easement and maintenance agreement with the adjacent property owner on the south regarding the proposed ONE-WAY in-only access or provide a recorded document regarding the access and maintenance/installation of private utility. The reciprocal agreement shall provide for the use of lands and maintenance of all private facilities including but not limited to roadway, wall along railroad, drainage, lighting, landscaping, and other common area facilities. (E)
14. All proposed underground parking structures shall be designed for the additional surcharge due to traffic loading from proposed and future public streets. (E)
15. Prior to any building permit issuance, the developer shall submit an executed petition to annex the subject property into the CFD 2005-1, with respect to the property, the special taxes levied by Community Facility District (CFD 2005-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The developer shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. (E)
16. Prior to building permit issuance, the developer shall contribute its "fair share" of traffic impact fee in the amount of **\$22,579** (based on a Midtown impact fee of \$113 per peak hour trip and Montague Expressway impact fee of \$903 per peak hour trip). (E)
17. Prior to building permit issuance, the developer shall contribute **\$115,920** toward its "fair share" costs of South Main Street median improvement (based on a South Main Street Median Island contribution fee of \$280.00 per peak hour trip). At City's option, the developer may be required to construct the subject improvement in lieu of payment of contribution. (E)
18. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:



- A. Storm water connection fee of **\$45,114** based on 2.69 acres @ \$16,771 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.
- B. Water Service Agreement(s) for water meter(s) and detector check(s).
- C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire. (E)

Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).

- 19. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. (E)
- 20. Prior to building occupancy permit issuance, the developer shall underground all existing wires and remove the related poles within the proposed development, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more. All proposed utilities within the proposed development must also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state the wire voltage. (E)
- 21. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
- 22. Prior to any building permit issuance, the developer shall dedicate necessary easements for public street right of way, public service utilities, water, and sanitary sewer purposes. (E)
- 23. Prior to building permit issuance, the developer shall record a 5-foot wide Private Wall Maintenance Easement (PWME), and enter into an encroachment permit agreement with the city for the maintenance of subject wall within the public right of way. The proposed wall plan needs to be included with the building site plan for review and approval. Prior to any building final inspection/occupancy permit issuance, the developer shall construct the proposed wall to the satisfaction of the Building Chief Official and Planning Department requirements. (E)
- 24. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)
- 25. If necessary, developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP Industrial Source Control Inspector at (408) 945-5300. (E).
- 26. Multistory buildings as proposed require water supply pressures above that which the city can normally supply. Additional evaluations by the applicant are required to assure proper water supply (potable or fire services). The developer shall submit an

engineering report detailing how adequate water supply pressures will be maintained. Contact the Utility Engineer at 586-3345 for further information. (E)

27. Prior to occupancy permit issuance, the developer shall construct solid waste enclosures to house the necessary solid waste bins. The enclosure shall be designed per the Development Guidelines for Solid Waste Services, and enclosure drains must discharge to sanitary sewer line. City review & approval of the enclosures are required prior to construction of the trash enclosures. (E)
28. Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit. (E)
29. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner or HOA shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the developer shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the developer shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the developer shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)
30. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the developer, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
31. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following:

- a. At the time of building permit plan check submittal, the developer shall submit a “final” Stormwater Control Plan and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
  - b. Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.
  - c. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
32. Prior to building, site improvement or landscape permit issuance, the building permit applications shall be consistent with the developer’s approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City’s Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural (“S” Zone) Amendment application review. (E)
33. Prior to issuance of Certificate of Occupancy, the dedveloper shall submit a Stormwater Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment BMPs and other stormwater control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The stormwater control operation and maintenance plan shall include the applicant’s signed statement accepting responsibility for maintenance until the responsibility is legally transferred. (E)
34. All utilities shall be properly disconnected before the existing building can be demolished. Show/state how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter for future use, if it is not to be used during the construction. If the existing water services will not be used for the proposed development, the service laterals shall be removed and capped at the main water line. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be

capped off at a manhole or inlet structure or approved location if it is not to be used.  
(E)

35. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:
- a. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
  - b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. (E)

36. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240), the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system *when available*. The developer is encouraged to design the entire landscaped area for recycled water connection. If the site is not properly designed for recycled water at this time, the entire site will be required to retrofit when recycled water becomes available. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed. (E)
37. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
38. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
39. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Transportation Agency, and City of Milpitas Engineering Division. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
40. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)

41. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personal parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. (E)
42. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". (E)
43. The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. (E)
44. Make changes as noted on Engineering Services Exhibit "T"(3/22/2007) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)

#### ARCHITECTURAL COMMENTS

45. Applicable codes shall be 2001 CBC, CMC, 2004 CEC, CPC, 2005 California Energy Code and 2002 Milpitas Municipal Code. (B)
46. Civil Engineer licensed in the State of California shall prepare the plans. (B)
47. Allowable building area for building shall be per 2001 CBC section 504. Basic allowable building height and basic allowable building area shall be per Table 5B. (B)
48. Escape and rescue windows from each bedroom shall open directly into public street, alley, yard or exit court as per sec.310.4. (B)
49. Building that houses group A occupancy shall front directly on or discharge to a public street not less than 20 feet in width per 2001 section 303.3. The main entrance to the building shall be located on a public street or on the exit discharge. (B)

#### ENGINEERING

50. A soil report shall be provided when applying for grading, site improvement and building permit. (B)

51. Paving of driveways and parking lots shall comply with 2002 MMC section II-13-18. (B)
52. Proposed paving shall comply with the 2002 Milpitas Municipal Code section II-13-18. (B)
53. All non-structural concrete flat work shall be as per 2002 Milpitas Municipal Code, section II-13-17.05. (B)
54. Erosion control plan shall be submitted when applying for grading permit per 2002 Milpitas Municipal Code. (B)
55. Prior to issuance of building permit, all the easements including private storm drain easement through adjacent parcels shall be recorded. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained through the rainy season. 2002 Milpitas Municipal Code section II-13-11. (B)

#### ELECTRICAL

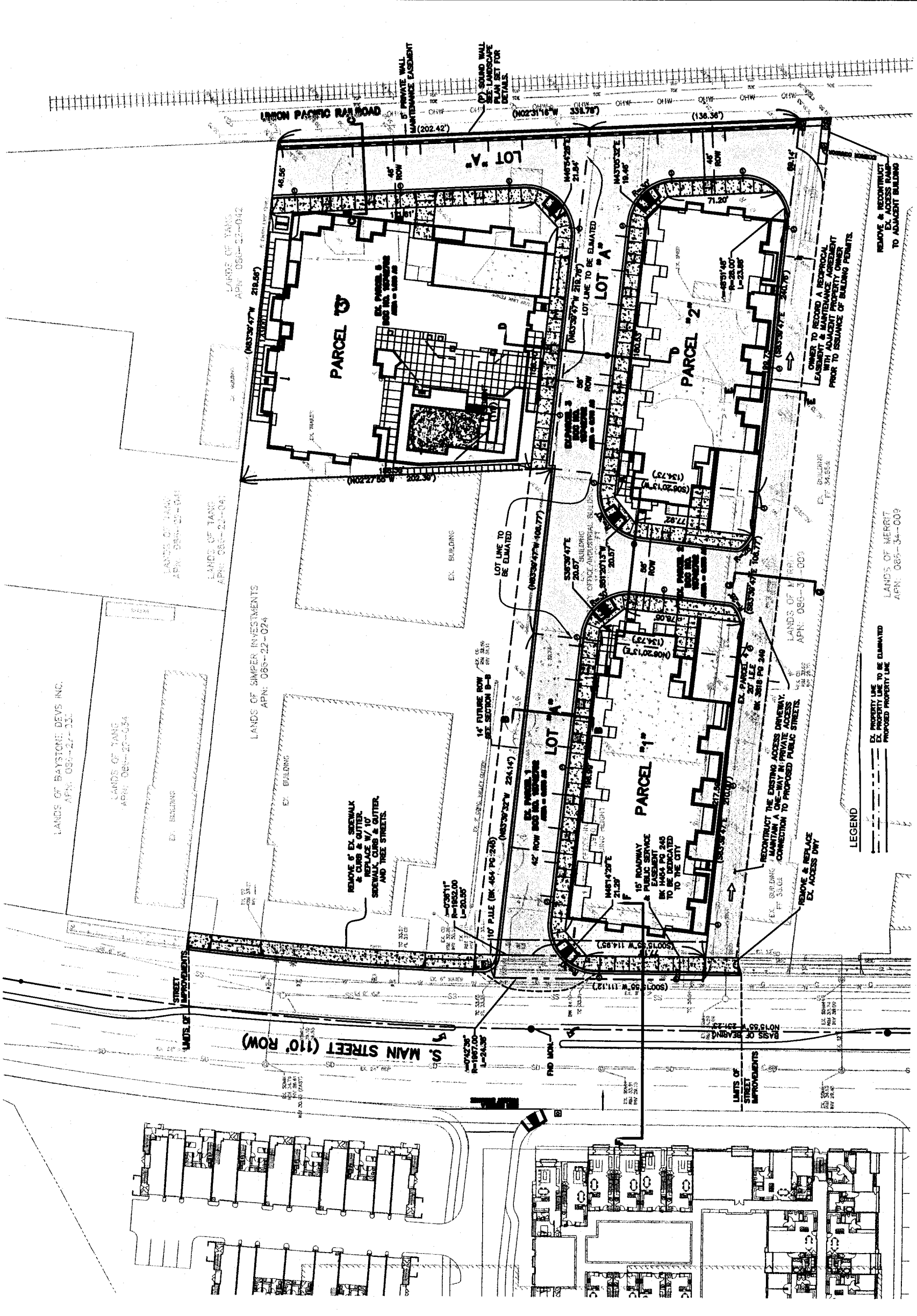
56. All new electrical services shall be underground per 2002 Milpitas Municipal Code section II-6-2.04. (B)

#### PLUMBING

57. All water piping shall not be located in or under concrete slab within the building as per MMC section II-7-2.02. (B)
58. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process. (F)
59. Pubic street transition to the private EVA (Emergency Vehicle Access) easement located at the south side of the project shall meet the requirements for the Land Development Division and the Fire Department. (F)
60. Stairs and EVA modifications at the southeast corner of the project shall meet the requirements of the Land Development Division and the Fire Department. (F)
61. Utilities required for fire protection will be reviewed as part of the public improvements review. (F)

2

1. APN: 086-22-023  
2. RECORD OWNER:  
MARTIN & MARY BACCAGLIO  
1500 MONTEBELLO ROAD  
CUPERTINO, CA 95014  
3. PROJECT OWNER:  
GLOBAL PREMIER DEVELOPMENT  
5 PARK PLAZA, SUITE 800  
IRVINE, CA 92614  
949-222-8119 (OFFICE)  
949-222-9942 (FAX)  
4. GROSS AREA: 2.728 ACRES, NET AREA: 2.046 ACRES  
5. PARCEL 1: GROSS 0.6717 AC, NET 0.5939 AC  
PARCEL 2: GROSS 0.3303 AC  
PARCEL 3: GROSS 0.7122 AC  
PARCEL 4: GROSS 0.7395 AC  
PARCEL 5: GROSS 1.0085 AC  
6. PROPOSED LOT SIZES  
PARCEL 1: GROSS 0.4678 AC, NET 0.4487 AC  
PARCEL 2: GROSS 0.2303 AC  
PARCEL 3: GROSS 0.2395 AC  
7. PUBLIC RIGHT OF WAY, GROSS 1.0689 AC,  
AND PUBLIC UTILITY EASEMENT  
8. PRIVATE WALL, MAINTENANCE EASEMENT: 0.0388 AC  
9. EXISTING ZONING: RA-MULTI-FAMILY, VERY HIGH DENSITY  
10. PROPOSED ZONING: RA-MULTI-FAMILY, VERY HIGH DENSITY  
11. EXISTING USE: INDUSTRIAL WAREHOUSE, VERY HIGH DENSITY  
12. PROPOSED USE: RA-MULTI-FAMILY, VERY HIGH DENSITY  
13. WATER SUPPLY: CITY OF MILPITAS  
14. STORM WATERS: CITY OF MILPITAS  
15. SANITARY SEWER: CITY OF MILPITAS  
16. POWER AND GAS BY PACIFIC GAS AND ELECTRIC  
17. CABLE TV: AT&T BROADBAND  
18. STREET TREES: INSTALL PER CITY OF MILPITAS STANDARDS  
19. NO. 448 AND MIDDLETOWN PLAN, MAINTAIN BY THE CITY OF  
MILPITAS  
20. STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE  
PUBLIC STREETS AND MAINTAINED BY THE CITY OF MILPITAS  
21. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
22. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
23. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
24. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
25. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
26. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
27. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
28. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
29. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
30. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
31. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
32. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
33. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
34. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
35. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
36. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
37. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
38. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
39. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
40. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
41. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
42. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
43. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
44. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
45. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
46. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
47. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
48. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
49. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
50. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
51. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
52. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
53. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
54. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
55. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
56. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
57. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
58. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
59. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
60. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
61. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
62. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
63. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
64. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
65. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
66. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
67. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
68. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
69. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
70. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
71. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
72. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
73. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
74. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
75. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
76. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
77. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
78. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
79. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
80. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
81. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
82. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
83. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
84. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
85. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
86. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
87. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
88. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
89. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
90. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
91. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
92. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
93. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
94. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
95. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
96. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
97. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
98. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
99. PROPOSED STREETS: S. MAIN STREET (110' ROW)  
100. PROPOSED STREETS: S. MAIN STREET (110' ROW)



DESIGNED UNDER THE SUPERVISION OF:  
TERENCE J. SZENCZYK  
R.C.E. 35527  
EXPIRES DATE: 09/30/07

BY: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
DATE: \_\_\_\_\_

TS CIVIL ENGINEERING, INC.  
1776 TECHNOLOGY DRIVE  
SAN JOSE, CA 95110  
PH: 408.452.9300 TOLL FREE: 888.327.7070 FAX: 408.452.9301

**TS** CIVIL ENGINEERING

TENTATIVE MAP  
ASPEN FAMILY APARTMENTS  
LANDS OF GLOBAL PREMIER DEVELOPMENT  
1666 S. MAIN STREET  
MILPITAS, CA

DATE: 3/21/07 SHEET NO. TM2  
SCALE: 1"=30'  
DRAWN BY: SK  
SURVEYED BY: NA  
PROJ ENGR: MS  
CHECK BY: TJS  
OF 5 SHEETS  
JOB NO. 06-244

DISCLAIMER: TS CIVIL ENGINEERING, INC. ONLY ACKNOWLEDGES ORIGINAL SIGNED AND STAMPED PLANS AND DRAWINGS. NO RESPONSIBILITY OR LIABILITY IS EXPRESSED OR IMPLIED FOR ELECTRONIC DATA AND/OR REPRODUCED PLANS AND DRAWINGS.



